

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JUDITH BROOKS,  
Plaintiff,

v.

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

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No. 3:06-CV-469  
(Phillips/Shirley)

**ORDER**

This Social Security appeal is before the court on the report and recommendation filed by United States Magistrate Judge C. Clifford Shirley [Doc. 59]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that plaintiff's motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, be granted to the extent that plaintiff's counsel is awarded a fee of \$11,240.00. Accordingly, the court **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and

incorporates into its ruling, that plaintiff's motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, [Doc. 53] is **GRANTED as modified**, whereby plaintiff is awarded attorney fees in the amount of \$11,240.00.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge